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PROSPECTUS FOR COMMERCIAL SPORT FISH GUIDING SERVICES
AT
TOGIAK NATIONAL WILDLIFE REFUGE
ALASKA

I. INTRODUCTION

The Togiak National Wildlife Refuge (Refuge), located in southwestern Alaska, is offering opportunities for sport fishing guides to provide commercial services on the Kanektok River within the refuge consistent with the Public Use Management Plan (PUMP). The offerings include five-year permit awards.

Unit Offerings (5-year permits)

- Guided Motorboat Based Sport Fishing - Upper Kanektok River (Unit 9)
- Guided Float Boat Sport Fishing - Upper Kanektok River (Unit 9)

The objectives of this prospectus are to provide public opportunities to visit areas of the refuge for different types of guided sport fishing through a reasonable variety of quality guided services and ensure that sport fishing uses are compatible with the refuge's purposes, resources and management objectives.

A Public Use Management Plan (PUMP) and Environmental Assessment (EA) was prepared to analyze the need for these services and was approved in 1991. The plan identifies that guiding services would provide beneficial recreation opportunities to the public consistent with the management direction for the refuge. The PUMP and Assessment including related Decision Notices shall, by reference, be a part of this prospectus.

The PUMP, EA and Decision Notices identify various management concerns for Togiak Refuge. Proposals will be reviewed based on management direction, existing U.S. Fish and Wildlife Service policy, and the evaluation criteria identified in Section VI. Copies of the PUMP, EA and Decision Notices are available from the Togiak National Wildlife Refuge Office in Dillingham, Alaska.

All prospective applicants are advised to read this prospectus in its entirety.

All use allocations assigned through this prospectus do not commit the U.S. Fish and Wildlife Service to authorize that amount of use beyond the life of this prospectus.

Permit holders can not sublet any part of an area and are prohibited from subcontracting clients with any other guide without prior authorization from the Refuge Manager.

U.S. Fish and Wildlife Service regulations which took effect on September 26, 1997 amended existing regulations concerning the administration of special use permits on national wildlife refuges in Alaska. Pursuant to Title 50 CFR 36.41(e)(10), after five years the U.S. Fish and Wildlife Service will renew multi-year permits awarded under this prospectus for an additional five years upon application and showing that the permit holder has complied with all applicable permit terms and conditions and has a satisfactory record of performance. The original operations plan (including any authorized modifications), conditions, and special conditions associated with awarded permits will also apply during this five year renewal period.

Special Use Permits awarded under this prospectus are subject to published regulations as provided in 50 CFR, Subchapter C, The National Wildlife Refuge System.

All applicants are responsible for making their own investigations as to the economic feasibility of any proposal, facts about the area, and estimates of probable business opportunity.

For additional information contact the Refuge Manager, Togiak National Wildlife Refuge at P.O. Box 270, Dillingham, Alaska, 99576 or phone (907) 842-2538 weekdays.

II. AREA DESCRIPTION

On December 2, 1980 Congress passed the Alaska National Interest Lands Conservation Act (ANILCA). This law designated about 4.1 million acres of public lands as the Togiak National Wildlife Refuge. The Northern 2.3 million acres of the refuge comprise the second largest contiguous wilderness area in the National Wildlife Refuge System. The eastern boundary of the refuge is about 400 air miles southwest of Anchorage, Alaska. The refuge is bordered on the north by Yukon Delta National Wildlife Refuge and on the east by Wood-Tikchik State Park (see map in Appendix C).

Refuge Resources

The refuge contains a variety of landscapes, including glacial valleys, tundra uplands, lakes, wetlands, sand and gravel beaches, rugged mountains and coastal cliffs. The Kanektok, Goodnews, and Togiak drainages provide habitat necessary for five species of Pacific salmon that spawn in the refuge. The refuge also supports populations of rainbow trout, lake trout, grayling, pike, Dolly Varden and Arctic char which are important resources to local residents and visitors from other areas.

At least ten raptor species use the refuge, including peregrine falcons and bald and golden eagles. Over 30 species of mammals are present including brown bear, moose, and lynx. Walrus, Steller's sea lions, and harbor seals inhabit the Bering Sea shoreline. The refuge's lagoons, estuaries, wetlands, and lakes are also heavily used by migrating waterfowl. In 1988, caribou were reintroduced into historic habitats on the refuge.

Refuge Purposes

In Section 101 of ANILCA, Congress made clear its intent to preserve within conservation system units in Alaska, including the Togiak Refuge, "nationally significant" scenic, wilderness, recreational, wildlife and other values for the benefit of present and future generations. Section 101 further states that "it is the intent of Congress in this Act to preserve . . . wilderness resource values and related recreational opportunities including but not limited to hiking, canoeing, fishing and sport hunting, within large arctic and subarctic wildlands and on free-flowing rivers . . ."

Section 303(6)(B) of the Alaska Lands Act sets forth the following major purposes for which Togiak Refuge was established and shall be managed:

- (i) to conserve fish and wildlife populations and habitats in their natural diversity including, but not limited to, salmonids, marine birds and mammals, migratory birds and large mammals (including their restoration to historic levels);
- (ii) to fulfill the international treaty obligations of the United States with respect to fish

- and wildlife and their habitats;
- (iii) to provide, in a manner consistent with purposes set forth in subparagraphs (i) and (ii), the opportunity for continued subsistence uses by local residents; and
- (iv) to ensure, to the maximum extent practicable and in a manner consistent with the purposes set forth in subparagraph (i), water quality and necessary water quantity within the refuge.

Local Communities

The Togiak Refuge essentially surrounds the communities of Quinhagak, Goodnews Bay, Platinum, Manokotak, Togiak, and Twin Hills. These communities (and others nearby) are heavily dependent upon subsistence resources including the fish resources sought by sport anglers. Decisions made by the U.S. Fish and Wildlife Service in the Public Use Management Plan were designed to reduce conflicts between sport anglers and subsistence users as well as those among sport anglers using different means of transportation.

It will be the responsibility of the permit holder selected under this prospectus to work diligently to minimize conflicts by strict adherence to the terms of permits and by enhancing the visitor's experience by explaining the role of subsistence in the local culture and economy.

III. DEFINITIONS

Boat storage site. A site on refuge lands where a guide is authorized by special use permit to keep boats during the season of use. A small tent camp may also be authorized for a guide or guides to remain overnight to watch the boats and for emergency shelter for clients. Clients are not to remain overnight under normal circumstances.

Commercial recreational uses. Recreational uses of lands, waters, and resources for business or financial gain; includes guided sport fishing, guided and outfitted sport hunting, other guided recreation, and air taxi services.

Controlling Interest. In the case of a corporation, it means an interest, beneficial or otherwise, of sufficient outstanding voting securities or capital of the business, so as to permit exercise of final managerial authority over the actions and operations of the corporation, or election of a majority of the Board of Directors of the Corporation. Controlling interest in the case of a partnership, limited partnership, joint venture or individual entrepreneurship, means a beneficial ownership of or interest in the entity so as to permit the exercise of final managerial authority over the actions and operations of the entity. In other circumstances, controlling interest means any arrangement under which a third party has the ability to exercise general management authority over the actions or operations of the business.

Employee. A person who works directly for the permittee for wages or other salary compensation in providing visitor services and is covered by the State of Alaska workmen's compensation regulations.

Non-commercial recreational uses. Recreational uses of lands, waters and resources not for business or financial gain, includes sport fishing and hunting, floating, camping, hiking, photography and sightseeing.

Operations Plan. A narrative description of the proposed commercial fishing or hunting operations which contains all information required in Form C of this prospectus.

Ordinary high water mark. The mark along the bank or shore up to which the presence and action of the non-tidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics [from 11 Alaska Administration Code 53.900 (23)].

Party Size. The number of people (including guides, clients, pilots, and any other employees of the permit holder) who are authorized to be in a use area, by the terms of a special use permit.

Permit Holder. An **individual** who is selected through this prospectus and who is issued a

special use permit.

Primitive tent camps. Portable camps, normally consisting of small tents, that are used by non-guided and guided visitors. They usually remain in place for one to two days and are then disassembled and moved to another location on the river. Nothing is left in place when the camp is moved.

Proposal. A document which identifies a proposed operations plan and addresses specific criteria as identified through a prospectus. The terms **Application** and **Proposal** are used interchangeably and mean the same thing.

Prospectus. A document the agency uses in soliciting competition to award commercial visitor services on a refuge.

Shorelands. Land belonging to the State which is covered by non-tidal water that is navigable under the laws of the United States up to the ordinary high water mark as modified by accretion, erosion, or reliction (from Alaska Statute 38.05.965).

Special Use Permit (Permit). A U.S. Fish and Wildlife Service authorization required for all commercial uses of refuge lands and waters.

Sport Fishing Guide. A commercial operator who accompanies sport fishing clients in the refuge for either day or overnight trips.

Subcontracting. Any activity in which the permittee provides financial or other remuneration to anyone other than employees to conduct the specific commercial services authorized by the U.S. Fish and Wildlife Service. The permittees primary authorized activities must be conducted in a genuine employer/employee relationship where the source of all remuneration for services provided to clients is from the permittee. Subcontracting does not apply to booking services or authorized secondary services provided to clients in support of the permittees primary authorized activities (e.g. a guide paying a marine or air taxi operator to transport clients).

Subletting. Any activity in which the permittee receives financial or other remuneration in return for allowing another commercial operator to conduct any of the permittee's authorized activities in the permittee's use area.

Subsistence Uses. The customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; and for barter, or sharing for personal or family consumption; and for customary trade (from Section 803 of Alaska National Interest Lands Conservation Act).

Temporary base camps. Serves as the center of operations and overnight accommodation for guides and clients. They usually remain in place for the full season of use (90 to 120 days) but may be removed within 48 hours. They generally consist of larger tents than primitive camps and often have tent platforms and/or other rigid floors. A typical camp would include several large guest tents, a cook tent, and a few smaller tents for staff use, showers, waste disposal, storage, etc. In some cases, smaller camps that include only 4 or 5 tents and related facilities are used by a lodge to fly clients for overnight visits of a few days. The primary distinction between temporary base camps and primitive camps is the period of occupancy.

Use Area. An area designated by the U.S. Fish and Wildlife Service and offered to a commercial operator to provide guided sport fishing services for the public.

Use day. One calendar day (24 hours), or portion thereof, for each person using the refuge. Used as a measure of human use. Includes use of the refuge by guides, clients, and any other individuals associated with the permit holder for any part of one day (24 hour period from midnight to midnight). NOTE: For the purpose of determining Client Use Fees, only client use days are considered.

U.S. Fish and Wildlife Service (Service). U.S. Department of the Interior, Fish and Wildlife Service, Togiak National Wildlife Refuge.

IV. OFFERINGS

Two offerings are described below. Each area offered is within management unit 9 (i.e. Upper Kanektok River). An individual or a business may apply for one or both of the offerings. It is the intent of the Service to have more than one operator permitted in each management unit. However, if only one operator applies, all permits within a given management unit could be awarded to the sole applicant.

Unit 9 Description

The Kanektok River drains approximately 500 square miles of the northwest portion of the refuge into Kuskokwim Bay. All of Management Unit 9 is within the Togiak Wilderness which is the second largest contiguous wilderness area in the National Wildlife Refuge System. The Kanektok River has braided channels throughout most of its length. Currents are swift and gravel bars are common except at high water levels. Riffles and glides with few pools characterize the majority of the river. The river bottom is comprised of gravel with some large cobble and boulders. Sweepers are found along cut banks. Major tributaries include Kanuktik, Klak, Nukluk, and Takshilik creeks. River depth is sufficient to run propeller driven boats only during periods of high water.

Fish, such as coho salmon, hold primarily in back waters, eddies, and below the mouths of tributary streams, all of which are abundant on the river. There are several locations in the upper river where spawning chinook salmon concentrate. Spawning concentrations of char hold in the upper river during the late summer. Rainbow trout are found throughout the length of the river but are most abundant in the middle third. Five species of salmon, char, rainbow trout, and grayling are taken in the sport fishery, but chinook and coho salmon, and rainbow trout are the most sought after fish of sport anglers on the Kanektok River. Most anglers access the area by float plane to Kagati Lake and float down, access the upper river by power boat from Quinhagak, and less often land on the river in float planes.

The village of Quinhagak is located at the mouth of the Kanektok River. Residents of Quinhagak use the river drainage for subsistence activities such as fishing, hunting, berry picking, trapping, and firewood gathering. Many village residents also use untreated river water as their potable water source.

A more detailed description of each Refuge management unit can be found in the Togiak National Wildlife Refuge Public Use Management Plan. A map depicting management unit 9 (Upper Kanektok River) is found in Appendix C of this prospectus.

Offering Number 1: Guided Motorboat Based Sport Fishing - Upper Kanektok River (Unit 9)

- Term of the permits: **January 1, 2004 through December 31, 2008 (5 years)**
- Permit(s) is/are offered for guided motorboat based sport fishing on the Upper Kanektok River. A maximum of two base camps for motorboat based operations will be authorized. A total of 24 people at one time and a maximum of six boats will be authorized between the two base camps. Single boat capacity will be limited to no more than two clients and one guide. Facilities at these camps will conform to wilderness management standards established by the Service (e.g. generators, chain saws and other motorized equipment is not allowed).

Offering Number 2: Guided Float Boat Based Sport Fishing - Upper Kanektok River (Unit 9)

- Term of the permits: **January 1, 2004 through December 31, 2008 (5 years)**

Permit(s) is/are offered for guided float boat based sport fishing on the Upper Kanektok River. Maximum guided float party size will be 12 people (includes guides, clients, pilots, etc.) using a maximum of four rafts. Guided float trips will be scheduled in advance and are based on an every other day start. See Application for Offering 2 for available start dates.

From June 15 through September 15, camping (other than authorized base camps) on refuge lands within 1/4 mile of the Kanektok River is limited to three consecutive days at one location. After three consecutive days, camps must be moved a minimum of one mile. In order to reduce congestion at Kagati Lake outlet, camping is limited to one night per party at that location. Extended stays (up to three nights) are permitted away from the outlet.